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NATIONAL AND REGIONAL REGISTERS OF FISHING VESSELS, LICENCES, AUTHORIZATIONS OR PERMITS FOR VESSELS FISHING ON THE HIGH SEAS

(Proposal submitted by: Australia, Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia (Federated States of), New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu)

1. Australia, the Cook Islands, Fiji, Kiribati, the Marshall Islands, Micronesia (Federated States of), New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu believe that national and regional registers of fishing vessels, and systems of licences, authorizations or permits for vessels fishing on the high seas are essential elements of any global, regional or subregional scheme for ensuring compliance with, and enforcing agreed conservation and management measures for, straddling fish stocks and highly migratory fish stocks on the high seas.

2. National registers, maintained by flag States and containing full information on fishing vessels, are essential if flag States are to fully exercise their responsibility with regard to the enforcement of conservation and management measures on the high seas. Regional registers, maintained by regional fisheries organizations or in accordance with regionally agreed procedures, and containing relevant details of all vessels fishing in a region or subregion, including support vessels, are an essential management tool for ensuring compliance within that region or subregion. Where possible, it is desirable that national and regional registers be integrated. National authorities should cooperate fully with regional fisheries organizations or other arrangements to ensure that the information contained on regional registers is complete and accurate.

3. Licences, authorizations or permits, issued by flag States in respect of vessels fishing on the high seas, are important for both compliance and enforcement. Licensing systems help to ensure that flag States remain fully aware of the activities of vessels flying their flags on the high seas and

enable flag States to attach conditions to the use of vessels flying their flags for the purposes of fishing on the high seas. In addition, licensing systems which make provision for the imposition of sanctions against vessels which fail to comply with the terms and conditions of the licence are a powerful mechanism through which the flag State can exercise its responsibility.

4. This document contains proposals by Australia, Cook Islands, Fiji, Kiribati, the Marshall Islands, Micronesia (Federated States of), New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu for the establishment and use of national and regional registers of vessels fishing on the high seas within regions or subregions. In addition, basic minimum requirements for the information contained in such documents are suggested for consideration by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.

I. NATIONAL AND REGIONAL REGISTERS OF FISHING VESSELS

National registers

5. Flag States should establish national registers of vessels authorized to fish on the high seas and should enforce compliance with such registers through legislation or administrative arrangements having the force of law.

6. Registers of fishing vessels should, as a minimum, contain the following types of information:

(a) Vessel identification and type;

(b) Name of vessel and port of registry;

(c) International Radio Call Sign;

(d) Basic vessel specifications, including engine power, length, tonnage, hold capacity, storage methods;

(e) Navigation and position fixing aids;

(f) Communications equipment, including satellite transmitter equipment;

(g) Name and address of owner(s) and charterer;

(h) Base port, flag State;

(i) Construction details, vessel age, hull material, etc.;

(j) Type of fishing gear, quantity and specification, including aids to fishing such as helicopters, current meters, fish-finders, by-catch mitigating devices, etc.

7. Where appropriate to the type of fishing operations normally carried out in the region concerned, registers should also contain details of ancillary craft, such as helicopters, catcher boats, chaser boats, bait boats, etc.

8. Registers should be maintained up to date and, to this end, flag States must require operators promptly to notify the relevant national or regional authority of any changes in the information contained in the register.

Regional registers

9. States should cooperate to establish international, regional or subregional registers of vessels fishing or authorized to fish on the high seas. In respect of such registers, States should take cooperative action to prevent vessels which contravene regional or subregional conservation and management measures from fishing in the region or subregion until such time as corrective action is taken. A particularly useful model for this purpose is the regional register of foreign fishing vessels maintained on behalf of its member countries by the South Pacific Forum Fisheries Agency.

10. The South Pacific Forum Fisheries Agency (SPFFA) regional register of foreign fishing vessels became operational in 1983. The register is a database containing comprehensive details of foreign fishing vessels that may wish to apply for licences to fish in the region. At present there are approximately 700 tuna longliners, purse seiners, pole-and-liners and other support craft listed on the register. The regional register database holds information on vessel owners, operators and masters and other essential information regarding the vessel, and is capable of providing a history of any changes in that information occurring over the years. The general intention behind the register is to create a compliance mechanism which shifts some of the responsibility for compliance to the flag State. The principle of flag State responsibility received acceptance at the Food and Agriculture Organization of the United Nations World Conference on Fisheries Management and Development and is widely recognized as one of the most effective ways of ensuring compliance with coastal State controls.

11. The fundamental requirement of the register, which is administered by the Director of the Agency, is that before any foreign fishing vessel may be licensed to fish in the region, it must be in good standing on the regional register. Vessels must apply annually for registration and must provide information relating to the vessel's physical characteristics as well as details of the base port, fishing master, vessel master and owner. A recent photograph of the vessel, with the vessel name and international radio call sign clearly displayed, must accompany the application.

12. Good standing is a status which is automatically conferred on a vessel upon registration. The status may be withdrawn in certain circumstances, for instance, if a vessel has committed a serious fisheries offence. Once good standing is withdrawn, the vessel is effectively prevented from fishing in the region. A procedure for the suspension of good standing has also been introduced.

II. LICENCES, AUTHORIZATIONS AND PERMITS

13. In order to complement systems of regional registration, it is important that the necessary machinery exists to provide legal and administrative linkages with the flag State. This can be achieved by means of fishing licences, authorizations, permits and other means issued and managed by the flag State in accordance with national internationally and regionally agreed procedures. Such procedures may include requirements that:

(a) Vessels fishing on the high seas must carry the authorization licence or permit on board;

(b) Information contained in an authorization, licence or permit is sufficient to enable States to fulfil international, regional or subregional obligations.

14. Flag States should be encouraged to enact national legislation to prohibit fishing on the high seas and in the exclusive economic zones or fisheries zones of other States by vessels that are not duly licensed or authorized to fish.

Types of information to be provided in relation to licences, authorizations and permits

15. In establishing legal and administrative procedures for the issue of licences, authorizations or permits, flag States should require vessel owners and operators to provide all such information as may reasonably be required to enable the flag State to carry out its responsibilities in respect of that vessel, including its responsibilities, if any, towards a regional fisheries organization or arrangement. As a minimum, the following information should be collected:

(a) Vessel identification and type;

(b) Name of vessel and port of registry;

(c) International Radio Call Sign;

(d) Authorized area of operation;

(e) Basic vessel specifications, including engine power, length, moulded depth, beam, gross registered tonnage, hold capacity, freezing capacity, storage methods;

(f) Navigation and position fixing aids;

(g) Communications equipment, including satellite transmitter equipment;

(h) Name and address of owner(s) and charterer;

(i) Name and address of master;

(j) Size and composition of crew;

(k) Base port, flag State;

(l) Construction details, where and when built, hull material, etc.;

(m) Type of fishing gear, quantity and specification, including aids to fishing such as helicopters, current meters, fish-finders, by-catch mitigating devices;

(n) Details of previous licences and authorizations held.

16. It is proposed that the establishment of national and regional registers similar to those described above, complemented by systems of licences, authorizations and permits of the flag State, be considered by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks as an important element in the management of such fish stocks.

Annex

MINIMUM INFORMATION REQUIRED IN RESPECT OF FISHING VESSELS

Data Requirements	National/ Regional Registers	Licence, Authorization, Permit
Vessel identification and type	Vessel identification and type	Vessel identification and type
	Name of vessel and port of registry	Name of vessel and port of registry
	International Radio Call Sign	International Radio Call Sign
		Authorized area of operation
Basic vessel specifications, including engine power, length, tonnage, hold capacity, storage methods.	Basic vessel specifications, including engine power, length, tonnage, hold capacity, storage methods .	Basic vessel specifications, including engine power, length, moulded depth, beam, gross registered tonnage, hold capacity, freezing capacity, storage methods .
Navigation and position fixing aids	Navigation and position fixing aids	Navigation and position fixing aids
Communications equipment, including satellite transmitter equipment	Communications equipment, including satellite transmitter equipment	Communications equipment, including satellite transmitter equipment
	Name and address of owner(s) and charterer	Name and address of owner(s) and charterer
		Name and address of master
Size and composition of crew		Size and composition of crew
	Base port, flag state	Base port, flag state
	Construction details, vessel age, hull material, etc.	Construction details, where and when built, hull material, etc.
Type of fishing gear, quantity and specification, including aids to fishing such as helicopters, current meters, fish-finders, by-catch mitigating devices.	Type of fishing gear, quantity and specification, including aids to fishing such as helicopters, current meters, fish-finders, by-catch mitigating devices.	Type of fishing gear, quantity and specification, including aids to fishing such as helicopters, current meters, fish-finders, by-catch mitigating devices .
		Details of previous licences and authorization held